

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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Elaicia Sweeney,

Plaintiff,

v.

Argosy University of California LLC; and  
DOES 1-10, inclusive,

Defendants.

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: Civil Action No.: \_\_\_\_\_  
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**COMPLAINT**

Plaintiff, Elaicia Sweeney, says by way of Complaint against Defendant, Argosy University of California LLC, as follows:

**JURISDICTION**

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Venue is proper in the U.S. District Court for the District of New Jersey pursuant to 28 U.S.C. § 1391(b), as Defendant transacts business in the State of New Jersey.

**PARTIES**

3. The Plaintiff, Elaicia Sweeney ("Plaintiff"), is an adult individual residing in Jersey City, New Jersey, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant Argosy University of California LLC ("Argosy"), is a Delaware business entity with an address of 210 Sixth Ave, 33rd Floor, Pittsburgh, PA 15222, and is a "person" as defined by 47 U.S.C. § 153(39).

5. Does 1-10 (the “Agents”) are individual employees and/or agents employed by Argosy and whose identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

6. Argosy at all times acted by and through one or more of the Agents.

### **FACTS**

7. In September 2014, Argosy began calling Plaintiff’s cellular telephone in an attempt to solicit its service to Plaintiff.

8. The calls were placed to Plaintiff’s cellular phone, number 201-xxx-0912.

9. The calls were placed from telephone number 480-327-1215.

10. When Plaintiff answered Argosy’s calls, she was met with a period of silence followed by an automated click at which point the call would connect to an Agent.

11. The foregoing is indicative of a predictive dialer, an automated telephone dialing system (ATDS) under the TCPA.

12. Plaintiff does not know how Argosy acquired her cellular phone number.

13. Plaintiff has no business relations with Argosy and never requested by an agreement or otherwise to be contacted.

14. Plaintiff never provided her cellular telephone number to Argosy and never provided her consent to AICU to be contacted on her cellular telephone.

15. Upon information and belief, Argosy obtains telephone numbers belonging to consumers who search the Internet to obtain information regarding jobs and college degree programs.

16. Plaintiff does not believe she provided her cellular telephone number while searching online for information about employment.

17. Plaintiff did not wish to be called by Argosy and did not provide her express consent to be contacted by Argosy.

18. The telephone number called by Argosy was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

19. The calls from Argosy to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

### **COUNT I**

#### **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT – 47 U.S.C. § 227, ET SEQ.**

20. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

21. Without prior consent the Defendants contacted the Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone or pager in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

22. The Defendants placed automated calls to Plaintiff’s cellular telephone knowing that it lacked consent to call his number. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

23. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

24. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against the Defendants:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
3. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: October 6, 2014

Respectfully submitted,

By: /s/ Sofia Balile

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